



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/915,126

07/25/2001

Peter Woodstock

20138/7331

5745

7590

06/03/2004

Gunnar G. Leinberg  
NIXON PEABODY LLP  
Clinton Square  
P.O. Box 31051  
Rochester, NY 14603

EXAMINER

SENF, BEHROOZ M

ART UNIT

PAPER NUMBER

2613

5

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/915,126

**Applicant(s)**

WOODSTOCK, PETER

**Examiner**

Behrooz Senfi

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/25/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4, 2</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 3, 6 – 10, 12 – 13, 16 – 18 and 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckendorn et al (US 5,903,306) in view of Obrejanu et al (US 5,398,753).

Regarding claims 1, 9 and 15, Heckendorn '306 teaches the claimed "a fluid Powered imaging system, with housing, and an imaging device arranged within the housing" (i.e. fig. 7, abstract, col. 2, lines 25 – 28, col. 3, lines 5 – 20), and "motor arranged within the housing" (i.e. fig. 9, col. 1, lines 65+ and col. 12, lines 36+). Heckendorn '306 fails to explicitly teach the claimed "fluid powered motor". However, such features are well known and used in the prior art of the record as evidenced by Obrejanu '753 (i.e. col. 2, lines 17 – 29) where teaches fluid powered motor by fluid pressure generated by the electrical generator, as claimed. Therefore, taking the combined teaching of Heckendorn '306 and Obrejanu '753 as a whole, it would have been obvious to one skilled in the art to use the fluid powered motor as taught by Obrejanu '753 for generating power.

Regarding claims 2, 3, 8, 10 and 20, combination of Heckendorn '306 and Obrejanu '753 teaches "fluid distribution ....." (i.e. col. 3, lines 65+, col. 4, lines 7+ of Obrejanu), and "television camera, a video camera, an infrared camera" (i.e. abstract of Heckendorn).

Regarding claims 6, 13 and 18, combinations of Heckendorn '306 and Obrejanu '753 teaches the claimed, "eye portion positioned adjacent to an open end" (i.e. fig. 10, of Heckendorn).

Regarding claims 7 and 17, the limitation "eductor coupled to fluid power motor for the purpose of changing or discharging fluid" would have been obvious and known in the prior art of the record. Official notice

Regarding claim 12, the claimed limitation "amount of the generated power is in proportion to a rate of the flow of the fluid" would have been obvious, since the flow of the fluid actually generates the power, therefore the generated power would have a direct relation with the flow of the fluid.

Regarding claim 16, combinations of Heckendorn '306 and Obrejanu '753 teaches the claimed "one or more chamber" (i.e. abstract of Heckendorn).

3. Claims 4 – 6, 11, 14, 19 and 21 – 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckendorn '306 in view of Obrejanu '753 further in view of Campbell (US 5,394,208).

Regarding claims 4 and 11, combination of Heckendorn '306 and Obrejanu '753 teaches "fluid distribution ....." (i.e. col. 3, lines 65+, col. 4, lines 7+ of Obrejanu). Combination of Heckendorn '306 and Obrejanu '753 fails to teach the claimed "eye

Art Unit: 2613

portion substantially free from contaminants". However, such features are well known and used in the prior art of the record as evidenced by Campbell '208 (i.e. abstract) where teaches maintenance free viewing through a specially designed aperture for a clean and clear field of view for the lens. Therefore, taking the combined teaching of Heckendorn '306 and Obrejanu '753 and Campbell '208 as a whole, it would have been obvious to one skilled in the art at the time of the invention was made to take advantage of the teaching of Campbell for the purpose of a clean and clear field of view.

Regarding claims 5, 6, 14, 19, 24 and 29, combinations of Heckendorn '306 and Obrejanu '753 and Campbell '208 teaches the claimed "air or nitrogen" (i.e. col. 2, lines 33 - 47 of Campbell), and "eye portion positioned adjacent to an open end" (i.e. fig. 1b of Campbell, and fig. 10, of Heckendorn).

Regarding claim 21, combinations of Heckendorn '306 and Obrejanu '753 and Campbell '208 teaches "supplying fluid and generating power from fluid to power imaging device" (i.e. fig. 7, abstract, col. 2, lines 25 – 28, col. 3, lines 5 – 20 of Heckendorn), and "cooling the imaging" (i.e. col. 2, lines 35 – 47 of Campbell).

Regarding claim 22, the claimed limitation "amount of the generated power is in proportion to a rate of the flow of the fluid" would have been obvious, since the flow of the fluid actually generates the power, therefore the generated power would have a direct relation with the flow of the fluid.

Regarding claim 23, combinations of Heckendorn '306 and Obrejanu '753 and Campbell '208 teaches, "capturing an image through an eye portion" (i.e. fig. 10 of Heckendorn, and fig. 1b of Campbell).

Regarding claim 25, the limitations claimed are substantially similar to claim 21, therefore the grounds for rejecting claim 21 also applies here.

Regarding claim 26 – 27, the limitation “eductor coupled to fluid power motor for the purpose of changing or discharging fluid and air entering” would have been obvious and known in the prior art of the record. Official notice

Regarding claim 28, combinations of Heckendorn '306 and Obrejanu '753 and Campbell '208 teaches the claimed, “camera lens” (i.e. fig. 10 of Heckendorn).

Regarding claim 30, combinations of Heckendorn '306 and Obrejanu '753 and Campbell '208 teaches the claimed, “television camera, a video camera, an infrared camera” (i.e. abstract of Heckendorn).

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314**

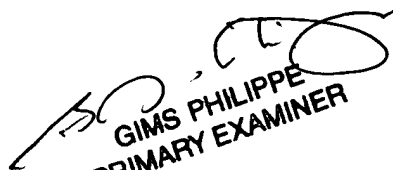
Art Unit: 2613

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

5/26/2004

  
GIMS PHILIPPE  
PRIMARY EXAMINER